

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Frederick L. Howell,)	C/A No.: 4:13-2812-JFA-TER
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Alan Wilson, Attorney General; and)	
Bryan Jeffries, Assistant Solicitor,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Frederick L. Howell, is an inmate with the South Carolina Department of Corrections. He brings this action pursuant to 42 U.S.C. § 1983, seeking to compel the defendants to cooperate with plaintiff's pending DNA testing application.

The Magistrate Judge assigned to this action¹ has prepared Report and Recommendation and opines that the complaint for injunctive relief should be dismissed. The Magistrate Judge notes that plaintiff's request seeks relief in the nature of mandamus. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

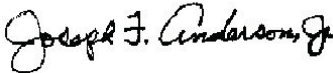
The plaintiff was notified of his right to file objections to the Report and Recommendation (ECF No. 20) which was filed on December 31, 2013. However, the plaintiff has not lodged any objections and the time within which to do so has expired. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the applicable laws, the record in this case, and the Report and Recommendation, and finds that the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is adopted and incorporated herein by reference.

Accordingly, this action is dismissed without prejudice.

IT IS SO ORDERED.

March 25, 2014
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge